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JOHN EARL CAMPBELL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN EARL CAMPBELL,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER  
CORPORATION dba AMTRAK, JOE DEELY  
and DOES 1 through 15 inclusive,

Defendants.

Case No. C05-05434 MJJ

**JOINT REQUEST AND STIPULATION  
REGARDING RESCHEDULING OF  
TRIAL DATE AND PRE-TRIAL  
ORDER SCHEDULING ORDER;  
ORDER**

Last Calendared Trial Date: January 9,  
2008 (Trial Date Vacated On 12/22/2007,  
by Court Order )

Trial Date Jointly Requested by the Parties:  
September 8, 2008

COME NOW Plaintiff John Earl Campbell and Defendants National Railroad Passenger Corporation (aka "Amtrak") and Joe Deely (collectively referred to herein as "the Parties") to jointly request that the Court reschedule the trial date in this matter to September 8, 2008, in

1 light of the following circumstances:

2 1. Trial in this case was scheduled for January 9, 2008 at 8:30 a.m. in Department  
3 11. A pretrial conference was scheduled for January 7, 2008 at 9:30 a.m. in Department 11.

4 2. On Saturday, December 22, 2007, counsel received an electronic copy of the  
5 attached "Clerk's Notice" (see Exhibit A hereto) vacating the pretrial conference and trial date,  
6 pending the parties' and counsels' mutual availability to proceed to trial in April 2008.

7 3. Unfortunately, counsel for Defendants is not available for trial in April 2008.  
8 The first date on which counsel for the parties are mutually available for trial in this matter is  
9 September 8, 2008, as follows:

10 a. Lead trial attorney for Defendants, Patrick C. Mullin, is scheduled for trial  
11 beginning on February 19, 2008, in the matter of North American Title  
12 Co. v. Liberty Title Co., et al., Superior Court of the State of California,  
13 County of Contra Costa, Case No. CIV MSC 06-00187. Trial is  
14 scheduled before the Hon. David Flynn of Contra Costa Superior.  
15 February 19, 2008 is the second setting for trial. Judge Flynn is the  
16 complex litigation judge for Contra Costa County, and the matter has  
17 been specially set before him. All parties and counsel in that case were  
18 advised that they shall commence trial on February 19th, absent a  
19 criminal matter with preference. The case involves allegations of  
20 employee "raiding," misappropriation of trade secrets, and various  
21 miscellaneous claims. Mr. Mullin represents Liberty Title Company and  
22 14 individuals. Trial is scheduled to last through the middle of May 2008;  
23 and

24 b. Following the Liberty Title trial, Mr. Mullin has a long-scheduled trip to  
25 Italy with his family. His vacation is scheduled from the last week of  
26 May through the first two weeks in June 2008. The trip has been ticketed  
27 and paid for; and

1 c. Co-defense trial counsel, Cara Ching-Senaha, has a long-scheduled  
2 vacation to Hawaii and to Japan with her extended family, beginning  
3 March 18, 2008 through April 4, 2004. The trip has been ticketed and  
4 paid for; and

5 d. Ms. Ching-Senaha also has vacation scheduled with her extended family  
6 during the latter part of July. Ms. Ching-Senaha's extended family will  
7 visit from Hawaii in order to mark the occasion of her son's fifth birthday.  
8 Said vacation plans and arrangements were made earlier last year; and

9 e. Ms. Ching-Senaha is also scheduled for trial on July 28, 2008, in the  
10 matter of Man-Li Huang v. California Pacific Medical Center, Elizabeth  
11 Avant, Karmi Oberwager, and Lin Velasquez, Superior Court of the State  
12 of California, County of San Francisco, Case No. CGC-06-458776. Ms.  
13 Ching-Senaha represents CPMC and all individual defendants. Said trial  
14 is expected to last two to three weeks; and

15 f. Lead trial attorney for Plaintiff, Pamela Y. Price, is scheduled to  
16 commence trial in this Court beginning on June 9, 2008. Trial is  
17 anticipated to last through July 11, 2008. That matter is Peoples v. Contra  
18 Costa County, United States District Court Case No. C07-0051 MHP; and

19 g. Two weeks later, commencing on August 4, 2008, Ms. Price is scheduled  
20 to begin trial in the Eastern District Court of California, in the matter of  
21 Tatum v. Schwartz, et al., U.S.D.C. Case No. CV-0600011440 RRB EFB.  
22 Trial in that matter is anticipated to continue through August 29, 2008.

23  
24 4. The Parties estimate trial in this case will last three (3) to four (4) weeks.

25 5. For these reasons, the parties and their attorneys of record jointly request that trial  
26 in this case be scheduled to begin no earlier than September 8, 2008.

27 6. However, if the Court proposes to reschedule trial to sometime after September 8,  
28

2008, the parties hereby provide the Court with their trial calendar for the remainder of 2008:  
Ms. Price is scheduled to begin trial in this Court on November 17, 2008 in the case of Young  
v. HUD, U.S.D.C. Case No. C07-2413 JSW.

IT IS SO STIPULATED.

Respectfully Submitted,

Dated: January 18, 2008

PRICE AND ASSOCIATES

By: 

PAMELA Y. PRICE  
Attorneys for Plaintiff  
JOHN EARL CAMPBELL

Respectfully Submitted,

Date: January 11, 2008

JACKSON LEWIS LLP

By: /s/ Cara Ching-Senaha

PATRICK C. MULLIN  
CARA CHING-SENAHA  
Attorneys for Defendants  
NATIONAL RAILROAD PASSENGER  
CORPORATION dba AMTRAK and JOE  
DEELY

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ORDER

Pursuant to the Parties' Stipulation and Joint Request, and finding GOOD CAUSE therefore:

The trial in this matter is hereby scheduled on \_\_\_\_\_, 2008.

IT IS SO ORDERED.

DATED: January \_\_\_\_\_, 2008

\_\_\_\_\_  
HONORABLE MARTIN J. JENKINS  
United States District Judge

\\N\National Railroad Passenger Corp (40707)\Campbell (89560)\Pleadings\Jt Stipulation and Request Re Rescheduling of Trial Date CMC rev  
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# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**John Earl Campbell,**

No. C05-5434 MJJ

Plaintiff(s),

**Clerk's Notice**

v.

**National Railroad Corporation, et al.,**

Defendant(s),

(Plaintiff is required to serve, and file proof of service with the Court, any party involved not listed on the attached proof of service.)

**YOU ARE NOTIFIED THAT** the Pretrial Conference set for **Monday, January 7, 2008 at 9:30 a.m.** is hereby **VACATED**. The Jury Trial set for **Wednesday, January 9, 2008 at 8:30 a.m.** is hereby **VACATED**.

Counsel are instructed to meet and confer to discuss an agreed upon date for the jury trial to start during the first three (3) weeks of April, 2008. Counsel shall submit a stipulation to the court with the agreed upon trial date. The pretrial submission deadlines are to be calculated backwards from the new trial date.

Dated: December 22, 2007

FOR THE COURT,

Richard W. Wieking, Clerk

By: Lashanda Scott  
Lashanda Scott  
Courtroom Deputy